

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

COMERICA BANK
Plaintiff

Case No.: 24-10963

vs.

FEDERAL RESERVE BANK
OF ATLANTA
Defendant

COMPLAINT

Plaintiff Comerica Bank (“Comerica”) complains against defendant Federal Reserve Bank of Atlanta (“FRB Atlanta”) as follows:

PARTIES – JURISDICTION – VENUE

1. This court has subject matter jurisdiction over this action for money damages because Comerica’s claim arises under the laws of the United States. 28 USC 1331; 12 USC 632; 12 CFR 210.6.
2. Comerica seeks money damages for FRB Atlanta’s breach of warranty that it made as a matter of law when it presented check # 167842 (the “Check”) to Comerica for payment. (Exhibit 1 is an image of the Check).
3. Comerica is a banking association organized under Texas law and conducts business operations in this judicial district.
4. FRB Atlanta is a federal corporation organized under United States law.
5. Venue is proper in this district because a substantial part of the events or

omissions giving rise to the action occurred here. *See* 28 USC 1391 and other venue statutes. Comerica conducts banking operations at its Livonia Operations Center where it processes checks drawn on Comerica customer accounts – including the Check – upon presentment.

BREACH OF WARRANTY CLAIM: CHECK # 167842

6. At all times relevant to this action, Great Lakes Wine & Spirits LLC (“Great Lakes Wine”) has been a Comerica deposit customer.
7. For years FN Cellars, LLC, which operates out of Oakville, California, had been a regular seller of goods to Great Lakes Wine for which it had been paid by check. In its dealings with Great Lakes Wine, this vendor regularly goes by its trademarked name “Far Niente.” (Exhibit 2, other checks to “Far Niente”).
8. On March 4, 2022, Great Lakes Wine drew the Check against its Comerica account payable to the order of “Far Niente” in the amount of \$183,123.00. (Exhibit 1, the Check).
9. Great Lakes Wine mailed the Check to Far Niente’s address as a combined payment on three invoices, 2044870, 2045114, and 204394. (Exhibit 3).
10. “Far Niente” was Great Lakes Wine’s intended payee on the Check within the meaning of Section 3-110(a) of the Uniform Commercial Code.
11. Sometime between March 4, 2022 and April 11, 2022, under circumstances presently unknown to Comerica, a fraudster intercepted the Check and then

misappropriated its proceeds by means of the scheme alleged below:

- a. On April 11 (38 days after Great Lakes Wine issued the Check), someone formed a new entity in Missouri named “Far Niente LLC.” (Exhibit 4). There was no connection between this sham entity and Great Lakes Wine’s vendor and intended payee on the Check.
 - b. On April 12, the new Missouri entity “Far Niente LLC” opened two new accounts at Neighbors Credit Union (“NCU”) (*see* Exhibit 5, account statement referencing “NEW ACCT”).
 - c. On April 13, NCU accepted the Check for deposit into one of Far Niente LLC’s new accounts over a fraudulent handwritten endorsement. (Exhibit 1).
 - d. On April 14, NCU transferred the Check for forward collection to FRB Atlanta. FRB Atlanta in turn presented an electronic image of the Check to Comerica. Comerica paid the Check in good faith on April 14.
 - e. By April 25, Far Niente LLC had withdrawn from NCU all but \$16 of the funds traceable to the proceeds of the Check. (Exhibit 5).
12. On information and belief, Great Lakes Wine’s intended payee “Far Niente” neither: (a) received nor endorsed the Check, (b) ever had any interest in the account at NCU into which the Check was deposited, nor (c) received any proceeds or benefit from the Check transaction. (Exhibit 6).

13. On or about May 18, 2022, Great Lakes Wine notified Comerica that the Check was not properly payable against its Comerica account.
14. On May 20, 2022, Great Lakes Wine issued Far Niente a replacement check (# 169383) for \$183,123.00, which Far Niente cashed. (Exhibit 7).
15. Before filing this action, Comerica unsuccessfully demanded payment from NCU. (Exhibit 8, cover letter accompanying demand).
16. NCU denied the claim even though Missouri Secretary of State public records show conclusively that “Far Niente LLC” was formed on April 11, more than six weeks after the Check had been drawn on March 4. This Missouri entity, therefore, could not have been the intended payee on the Check.
17. The Check was not endorsed as drawn.
18. The Check was not deposited to an account in the name of the intended payee.
19. When it transferred the Check to FRB Atlanta, NCU was neither entitled to enforce the Check nor authorized to collect on behalf of a person entitled to enforce the Check.
20. NCU breached its transfer and other warranties regarding the Check transaction.
21. NCU’s transfer of the Check to FRB Atlanta neither entitled FRB Atlanta to enforce the Check nor authorized it to collect on behalf of a person entitled to enforce the Check.

22. When FRB Atlanta presented an electronic image of the Check to Comerica

for payment, it warranted as a matter of law under 12 CFR 210.6 as follows:

(b) Warranties and liability. The following provisions apply when a Reserve Bank presents or sends an item.

(1) Warranties for all items. The Reserve Bank warrants to a subsequent collecting bank and to the paying bank and any other payor that – (i) The Reserve Bank is a person entitled to enforce the item (or is authorized to obtain payment of the item on behalf of a person that is either entitled to enforce the item or authorized to obtain payment on behalf of a person entitled to enforce the item); *** (iii) The item bears all indorsements applied by parties that previously handled the item for forward collection or return.

23. FRB Atlanta breached its duties and warranties under 12 CFR 210, including the warranties in 12 CFR 210.6(b), and thereby damaged Comerica.

24. FRB Atlanta is liable to Comerica for damages consisting of the face amount of the Check, plus expenses of litigation, attorney fees, costs and interest.

RELIEF REQUESTED

Plaintiff Comerica Bank requests entry of a money judgment against defendant

Federal Reserve Bank of Atlanta in the amount of \$183,123.00, plus compensation

for expenses of litigation, attorney fees, costs, and interest.

/s/ David Wells
For Plaintiff Comerica Bank
Stancato Tragge Wells PLLC
2111 Woodward Ave – Suite 701
Detroit, MI 48201
(248) 731-4500
dwells@stwlawfirm.com
P47588

/s/ Henry Stancato
For Plaintiff Comerica Bank
Stancato Tragge Wells PLLC
2111 Woodward Ave – Suite 701
Detroit, MI 48201
(248) 731-4500
hstancato@stwlawfirm.com
P29538

COMPLAINT EXHIBITS

1	Check # 167842 (\$183,123.00)
2	Other checks payable to intended payee, Far Niente
3	Far Niente invoices supporting Check # 167842
4	Far Niente LLC filings in with the Missouri SOS
5	Far Niente LLC account statement from Neighbors Credit Union
6	Far Niente's Statement of Fraud
7	Replacement check # 169383 to Far Niente (\$183,123.00)
8	Comerica's claim letter to Neighbors Credit Union

EXHIBIT-1

GREAT LAKES WINE & SPIRITS LLC
DISBURSEMENT ACCOUNT
373 VICTOR ST
HIGHLAND PARK MI 48203

GREAT LAKES WINE & SPIRITS, LLC.
 373 VICTOR AVE., HIGHLAND PARK, MI 48203
 CHECK DATE **3/4/2022** CONTROL NO. **183,123.00**
 One Hundred Eighty Three Thousand One Hundred Twenty Three Dollars And 00 Cents
 PAY TO THE ORDER OF **EAR NIENTE**
PO BOX 327
OAKVILLE CA 94562
GREAT LAKES WINE & SPIRITS, LLC.
 VOID AFTER 180 DAYS
 167842

[illegible]

EXHIBIT-2



Current Date: April 05, 2024

Account Number: [REDACTED]
 Capture Date: March 26, 2021
 Item Number: 5250096797219
 Posted Date: March 26, 2021
 Posted Item Number: 970006582
 Amount: [REDACTED]
 Record Type: Debit
 RT Number: 072000096

GREAT LAKES WINE & SPIRITS LLC
 DISBURSEMENT ACCOUNT
 373 VICTOR ST
 HIGHLAND PARK MI 48203

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

COMERICA BANK
DETROIT, MI

9-9/720

161511

GREAT LAKES WINE & SPIRITS, LLC.
373 VICTOR AVE., HIGHLAND PARK, MI 48203

CHECK DATE
3/18/2021

CONTROL NO

CHECK AMOUNT
[REDACTED]

PAY
[REDACTED]

TO THE
ORDER
OF

FAR NIENTE
PO BOX 327
OAKVILLE CA 94562

GREAT LAKES WINE & SPIRITS, LLC.

VOID AFTER 180 DAYS

⑈ 161511 ⑈ ⑆072000096⑆ [REDACTED]

CoBank ACB [REDACTED]

Pay to CoBank, ACB
 FN Cellars LLC - Operation
 For Credit to Account [REDACTED]



Current Date: April 05, 2024

Account Number: [REDACTED]
 Capture Date: April 23, 2021
 Item Number: 5250097847545
 Posted Date: April 23, 2021
 Posted Item Number: 970006986
 Amount: [REDACTED]
 Record Type: Debit
 RT Number: 072000096

GREAT LAKES WINE & SPIRITS LLC
 DISBURSEMENT ACCOUNT
 373 VICTOR ST
 HIGHLAND PARK MI 48203

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COMERICA BANK
DETROIT, MI

9-9/720

161653

GREAT LAKES WINE & SPIRITS, LLC.
 373 VICTOR AVE., HIGHLAND PARK, MI 48203

CHECK DATE
3/26/2021

CONTROL NO.

CHECK AMOUNT
[REDACTED]

PAY
[REDACTED]

TO THE
ORDER
OF

FAR NIENTE
PO BOX 327
OAKVILLE CA 94562

GREAT LAKES WINE & SPIRITS, LLC.

VOID AFTER 120 DAYS

Security Features Included

⑈ 16 16 53 ⑈ ⑆ 072000096 ⑆ [REDACTED]

CoBank ACF [REDACTED]

Pay to CoBank, ACB
 FN Cellars LLC - Operating
 For Credit to Account [REDACTED]



Current Date: April 05, 2024

Account Number: [REDACTED]
 Capture Date: May 21, 2021
 Item Number: 5250098929712
 Posted Date: May 21, 2021
 Posted Item Number: 970006849
 Amount: [REDACTED]
 Record Type: Debit
 RT Number: 072000096

GREAT LAKES WINE & SPIRITS LLC
 DISBURSEMENT ACCOUNT
 373 VICTOR ST
 HIGHLAND PARK MI 48203

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COMERICA BANK
DETROIT, MI

9-9/720

162268

GREAT LAKES WINE & SPIRITS, LLC.
373 VICTOR AVE., HIGHLAND PARK, MI 48203

CHECK DATE
4/30/2021

CONTROL NO.

CHECK AMOUNT
[REDACTED]

PAY
[REDACTED]

TO THE
ORDER
OF

FAR NIENTE
PO BOX 327
OAKVILLE CA 94562

GREAT LAKES WINE & SPIRITS, LLC.

VOID AFTER 180 DAYS

16 2268 072000096 [REDACTED]

CoBank ACB [REDACTED]

Pay to CoBank, ACB
 FN Cellars LLC - Operating
 For Credit to Account [REDACTED]



Current Date: April 05, 2024

Account Number: [REDACTED]
Capture Date: June 18, 2021
Item Number: 5250099992722
Posted Date: June 18, 2021
Posted Item Number: 970009237
Amount: [REDACTED]
Record Type: Debit
RT Number: 072000096

GREAT LAKES WINE & SPIRITS LLC
DISBURSEMENT ACCOUNT
373 VICTOR ST
HIGHLAND PARK MI 48203

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COMERICA BANK
DETROIT, MI

9-9/720

162883

GREAT LAKES WINE & SPIRITS, LLC.
373 VICTOR AVE., HIGHLAND PARK, MI 48203

CHECK DATE: 5/21/2021

CONTROL NO.

CHECK AMOUNT: [REDACTED]

PAY [REDACTED]

TO THE ORDER OF

FAR NIENTE
PO BOX 327
OAKVILLE CA 94562

GREAT LAKES WINE & SPIRITS, LLC.

VOID AFTER 120 DAYS

16 2883 07 2000096

CoBank ACB: [REDACTED]

Pay to CoBank, ACB
FN Cellars LLC - Operation
For Credit to Account [REDACTED]



Current Date: April 05, 2024

Account Number: [REDACTED]
 Capture Date: August 27, 2021
 Item Number: 5250102750147
 Posted Date: August 27, 2021
 Posted Item Number: 970007802
 Amount: [REDACTED]
 Record Type: Debit
 RT Number: 072000096

GREAT LAKES WINE & SPIRITS LLC
 DISBURSEMENT ACCOUNT
 373 VICTOR ST
 HIGHLAND PARK MI 48203

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COMERICA BANK
DETROIT MI

9-9/720

163978

GREAT LAKES WINE & SPIRITS, LLC.
373 VICTOR AVE., HIGHLAND PARK, MI 48203

CHECK DATE
7/23/2021

CONTROL NO.

CHECK AMOUNT
[REDACTED]

PAY [REDACTED]

TO THE ORDER OF

FAR NIENTE
PO BOX 327
OAKVILLE CA 94562

GREAT LAKES WINE & SPIRITS, LLC.

VOID AFTER 120 DAYS

⑈ 163978 ⑈ ⑆ 072000096 ⑆ 2631014442 ⑈

CoBank ACU > [REDACTED]

Pay to CoBank, ACB
 FN Cellars LLC - Operating
 For Credit to Account [REDACTED]



Current Date: April 05, 2024

Account Number: [REDACTED]
 Capture Date: December 03, 2021
 Item Number: 5250107143684
 Posted Date: December 03, 2021
 Posted Item Number: 970004840
 Amount: [REDACTED]
 Record Type: Debit
 RT Number: 072000096

GREAT LAKES WINE & SPIRITS LLC
 DISBURSEMENT ACCOUNT
 373 VICTOR ST
 HIGHLAND PARK MI 48203

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COMERICA BANK
DETROIT, MI

9-9/720 166091

GREAT LAKES WINE & SPIRITS, LLC.
373 VICTOR AVE., HIGHLAND PARK, MI 48203

CHECK DATE 11/19/2021 CONTROL NO CHECK AMOUNT [REDACTED]

PAY [REDACTED]

TO THE ORDER OF FAR NIENTE
PO BOX 327
OAKVILLE CA 94562

GREAT LAKES WINE & SPIRITS, LLC.
[Signature]

VOID AFTER 120 DAYS

⑈ 166091 ⑆ ⑆ 072000096 ⑆ [REDACTED]

CoBank ACP [REDACTED]

Pay to CoBank, ACP
 FN Cellars LLC - Operating
 For Credit to Account [REDACTED]



Current Date: April 05, 2024

Account Number: [REDACTED]
 Capture Date: December 10, 2021
 Item Number: 5250107477315
 Posted Date: December 10, 2021
 Posted Item Number: 970006617
 Amount: [REDACTED]
 Record Type: Debit
 RT Number: 072000096

GREAT LAKES WINE & SPIRITS LLC
 DISBURSEMENT ACCOUNT
 373 VICTOR ST
 HIGHLAND PARK MI 48203

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COMERICA BANK
DETROIT, MI

9-9/720

166322

GREAT LAKES WINE & SPIRITS, LLC.
373 VICTOR AVE., HIGHLAND PARK, MI 48203

CHECK DATE
12/3/2021

CONTROL NO

CHECK AMOUNT
[REDACTED]

PAY
[REDACTED]

TO THE
ORDER
OF

FAR NIENTE
PO BOX 327
OAKVILLE CA 94562

GREAT LAKES WINE & SPIRITS, LLC.

VOID AFTER 180 DAYS

Security Features Included

⑈ 166322⑈ ⑆ 072000096 ⑆ [REDACTED]

LoBank ACB [REDACTED]

Pay to CoBank, ACB
 FN Cellars LLC - Operation
 For Credit to Account # [REDACTED]



Current Date: April 05, 2024

Account Number: [REDACTED]
Capture Date: January 14, 2022
Item Number: 5250109006820
Posted Date: January 14, 2022
Posted Item Number: 970004949
Amount: [REDACTED]
Record Type: Debit
RT Number: 072000096

GREAT LAKES WINE & SPIRITS LLC
DISBURSEMENT ACCOUNT
373 VICTOR ST
HIGHLAND PARK MI 48203

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

COMERICA BANK
DETROIT MI

9-9/720

166428

GREAT LAKES WINE & SPIRITS, LLC.
373 VICTOR AVE., HIGHLAND PARK, MI 48203

CHECK DATE
12/10/2021

CONTROL NO.

CHECK AMOUNT
[REDACTED]

PAY
[REDACTED]

TO THE
ORDER
OF

FAR NIENTE
PO BOX 327
OAKVILLE CA 94562

GREAT LAKES WINE & SPIRITS, LLC.

VOID AFTER 180 DAYS

⑈ 166428 ⑈ ⑆072000096⑆ [REDACTED]

CoBank ACB [REDACTED]

Pay to CoBank, ACB
FN Cellars LLC - Operation
For Credit to Account [REDACTED]



Current Date: April 08, 2024

Account Number: [REDACTED]
Capture Date: April 18, 2022
Item Number: 5250113018699
Posted Date: April 18, 2022
Posted Item Number: 970088569
Amount: [REDACTED]
Record Type: Debit
RT Number: 072000096

GREAT LAKES WINE & SPIRITS LLC
DISBURSEMENT ACCOUNT
373 VICTOR ST
HIGHLAND PARK MI 48203

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COMERICA BANK
DETROIT, MI

9-9/720 168209

GREAT LAKES WINE & SPIRITS, LLC.
373 VICTOR AVE., HIGHLAND PARK, MI 48203

CHECK DATE 3/25/2022 CONTROL NO CHECK AMOUNT [REDACTED]

PAY [REDACTED]

TO THE ORDER OF FAR NIENTE
PO BOX 327
OAKVILLE CA 94562

GREAT LAKES WINE & SPIRITS, LLC.

VOID AFTER 120 DAYS

Security Features Included Details on back

⑈ 168209 ⑈ ⑆ 072000096 ⑆ [REDACTED]

CoBank ACB > [REDACTED]

Pay to CoBank, ACB
FN Cellars LLC - Operating
For Credit to Account [REDACTED]

Current Date: April 08, 2024



Account Number: [REDACTED]
Capture Date: April 18, 2022
Item Number: 5250113018698
Posted Date: April 18, 2022
Posted Item Number: 970088568
Amount: [REDACTED]
Record Type: Debit
RT Number: 072000096

GREAT LAKES WINE & SPIRITS LLC
DISBURSEMENT ACCOUNT
373 VICTOR ST
HIGHLAND PARK MI 48203

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COMERICA BANK
DETROIT, MI

9-9/720

168367

GREAT LAKES WINE & SPIRITS, LLC.
373 VICTOR AVE., HIGHLAND PARK, MI 48203

CHECK DATE
4/1/2022

CONTROL NO

CHECK AMOUNT
[REDACTED]

PAY
[REDACTED]

TO THE
ORDER
OF

FAR NIENTE
PO BOX 327
OAKVILLE CA 94562

GREAT LAKES WINE & SPIRITS, LLC.

VOID AFTER 120 DAYS

168367 072000096 [REDACTED]

CoBank ACB

Pay to CoBank, ACB
FN Cellars LLC - Operating
For Credit to Account

Current Date: April 08, 2024



Account Number: [REDACTED]
 Capture Date: May 13, 2022
 Item Number: 5250114369315
 Posted Date: May 13, 2022
 Posted Item Number: 970005407
 Amount: [REDACTED]
 Record Type: Debit
 RT Number: 072000096

GREAT LAKES WINE & SPIRITS LLC
 DISBURSEMENT ACCOUNT
 373 VICTOR ST
 HIGHLAND PARK MI 48203

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COMERICA BANK
DETROIT, MI

9-9/720

168539

GREAT LAKES WINE & SPIRITS, LLC.
373 VICTOR AVE., HIGHLAND PARK, MI 48203

CHECK DATE
4/8/2022

CONTROL NO.

CHECK AMOUNT
[REDACTED]

PAY [REDACTED]

TO THE ORDER OF
FAR NIENTE
PO BOX 327
OAKVILLE CA 94562

GREAT LAKES WINE & SPIRITS, LLC.

VOID AFTER 120 DAYS

⑈ 168539⑈ ⑆ 072000096⑆ [REDACTED]

CoBank [REDACTED]

Pay to CoBank, ACB
 FN Cellars LLC - Operation
 For Credit to Account [REDACTED]

EXHIBIT-3

REMIT TO:

FN Cellars, LLC
P.O. Box 327
Oakville, CA 94562
Phone: 707-944-2861
Fax:

**FAR NIENTE
WINE ESTATES**

Invoice No: 2044870
Invoice Date: 12/27/2021
Order No.: F49193
Order Date: 12/21/2021

Bill To: 005421

GREAT LAKES WINE AND SPIRITS
373 VICTOR
HIGHLAND PARK, MI 48203-3117

Ship To: 01

GREAT LAKES WINE AND SPIRITS,
WINE DISTRIBUTION CENTER
9900 VOLTE ST.
DETROIT, MI 48227

Customer P.O. 212596
P.O. Date 12/21/2021

Ship Date 12/27/2021
Carrier

Product Description	Ordered	Shipped	Gallons	Whse	Unit Price	Amount
Bella Union 18 Winemaker Series Cab CBUW186C 0.75 LITER	22	22	26.153	4785E	153.00	\$3,366.00
Bella Union 18 Cabernet Sauv CBU186B 0.75 LITER	12	12	14.265	4785E	200.00	\$2,400.00
Dolce 14 Lt Hrvst Dessert Wine DL1406 0.375 LITER	12	12	7.133	4785E	175.00	\$2,100.00
EnRoute Winemaker Series 19 Pinot PERW196C 0.75 LITER	88	88	104.612	4785E	129.00	\$11,352.00
Far Niente 19 Napa Valley Cabernet CSN192W 0.75 LITER	42	42	99.857	4785E	740.00	\$31,080.00
Far Niente 19 Est Chardonnay CH0192B 0.75 LITER	36	36	85.592	4785E	399.00	\$14,364.00
N&N 18 DeCarle Cabernet CDC186W 0.75 LITER	48	48	57.061	4785E	332.00	\$15,936.00
N&N '18 Dogleg Cabernet CSS186W 0.75 LITER	12	12	14.265	4785E	332.00	\$3,984.00

RECEIVED
DEC 29 2021
BY:

REMIT TO:

FN Cellars, LLC
P.O. Box 327
Oakville, CA 94562
Phone: 707-944-2861
Fax:

**FAR NIENTE
WINE ESTATES**

Invoice No: 2044870
Invoice Date: 12/27/2021
Order No.: F49193
Order Date: 12/21/2021

Bill To: 005421

GREAT LAKES WINE AND SPIRITS
373 VICTOR
HIGHLAND PARK, MI 48203-3117

Ship To: 01

GREAT LAKES WINE AND SPIRITS,
WINE DISTRIBUTION CENTER
9900 VOLTE ST.
DETROIT, MI 48227

Customer P.O. 212596
P.O. Date 12/21/2021

Ship Date 12/27/2021
Carrier

Product Description	Ordered	Shipped	Gallons	Whse	Unit Price	Amount
N&N '18 Vaca Vista Cabernet CVV186W 0.75 LITER	12	12	14.265	4785E	342.00	\$4,104.00

	Cases	Bottles	Liters	Gallons
14% Alcohol or Less	12	72	27	7.1326
Over 14 to 21%	272	2100	1575	416.0709
Invoice Totals:	284	2172	1602	423.2035

Please Print the Invoice Number on your Check

Terms: Net 45 Days**This invoice is payable on or before 02/11/22**

A service charge of 1.5% per month will be added as a time-price differential on amounts past dues.
Claims for shortage or damage should be made to the transportation company by the customer immediately upon receipt of the goods. No allowance for breakage. Goods have been carefully checked and packed.
Shipment at risk of consignee. Merchandise returned without permission will not be accepted.

Subtotal:	\$88,686.00
Discount	
Tax:	
TOTAL:	\$88,686.00

REMIT TO:

FN Cellars, LLC
P.O. Box 327
Oakville, CA 94562
Phone: 707-944-2861
Fax:

**FAR NIENTE
WINE ESTATES**

Invoice No: 2045114
Invoice Date: 1/7/2022
Order No.: F49243
Order Date: 1/4/2022

Bill To: 005421

GREAT LAKES WINE AND SPIRITS
373 VICTOR
HIGHLAND PARK, MI 48203-3117

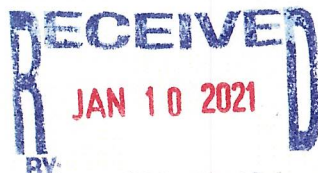
Ship To: 01

GREAT LAKES WINE AND SPIRITS,
WINE DISTRIBUTION CENTER
9900 VOLTE ST.
DETROIT, MI 48227

Customer P.O. 212437
P.O. Date 1/4/2022

Ship Date 1/7/2022
Carrier

Product Description	Ordered	Shipped	Gallons	Whse	Unit Price	Amount
Bella Union 18 Cabernet Sauv CBU186B 0.75 LITER	12	12 ✓	14.265	4785E	230.00	\$2,760.00
EnRoute Winemaker Series 19 Pinot PERW196C 0.75 LITER	18	18 ✓	21.398	4785E	129.00	\$2,322.00
Far Niente 19 Est Chardonnay CH0192B 0.75 LITER	12	12 ✓	28.531	4785E	392.00	\$4,704.00
N&N 19 Branding Iron Cabernet CBI196W 0.75 LITER	24	24 ✓	28.531	4785E	347.00	\$8,328.00
N&N 19 C.C. Ranch Cabernet CCR196W 0.75 LITER	12	12 ✓	14.265	4785E	347.00	\$4,164.00
N&N 18 DeCarle Cabernet CDC186W 0.75 LITER	24	24 ✓	28.531	4785E	325.00	\$7,800.00
N&N '18 Dogleg Cabernet CSS186W 0.75 LITER	5	5 ✓	5.944	4785E	347.00	\$1,735.00
N&N 19 Quarry Cabernet CQY196W 0.75 LITER	12	12 ✓	14.265	4785E	347.00	\$4,164.00



REMIT TO:

FN Cellars, LLC
P.O. Box 327
Oakville, CA 94562
Phone: 707-944-2861
Fax:

**FAR NIENTE
WINE ESTATES**

Invoice No: 2045114
Invoice Date: 1/7/2022
Order No.: F49243
Order Date: 1/4/2022

Bill To: 005421

GREAT LAKES WINE AND SPIRITS
373 VICTOR
HIGHLAND PARK, MI 48203-3117

Ship To: 01

GREAT LAKES WINE AND SPIRITS,
WINE DISTRIBUTION CENTER
9900 VOLTE ST.
DETROIT, MI 48227

Customer P.O. 212437
P.O. Date 1/4/2022

Ship Date 1/7/2022
Carrier

Product Description	Ordered	Shipped	Gallons	Whse	Unit Price	Amount
N&N 19 Sullenger Cabernet CJS196W 0.75 LITER	24	24	28.531	4785E	347.00	\$8,328.00
N&N 19 State Ranch Cabernet CSR196W 0.75 LITER	24	24	28.531	4785E	347.00	\$8,328.00
Post & Beam '19 NV Cab Sauv PBC192C 0.75 LITER	44	44	104.612	4785E	300.00	\$13,200.00

	Cases	Bottles	Liters	Gallons
Over 14 to 21%	211	1602	1201.5	317.4028
Invoice Totals:	211	1602	1201.5	317.4028

Please Print the Invoice Number on your Check

Terms: Net 45 Days

This invoice is payable on or before 02/21/22

A service charge of 1.5% per month will be added as a time-price differential on amounts past dues. Claims for shortage or damage should be made to the transportation company by the customer immediately upon receipt of the goods. No allowance for breakage. Goods have been carefully checked and packed. Shipment at risk of consignee. Merchandise returned without permission will not be accepted.

Subtotal: \$65,833.00
Discount
Tax:

TOTAL: \$65,833.00 ✓

BY:

REMIT TO:

FN Cellars, LLC
P.O. Box 327
Oakville, CA 94562
Phone: 707-944-2861
Fax:

**FAR NIENTE
WINE ESTATES**

Invoice No: 2045394
Invoice Date: 1/24/2022
Order No.: F49349
Order Date: 1/18/2022

Bill To: 005421

GREAT LAKES WINE AND SPIRITS
373 VICTOR
HIGHLAND PARK, MI 48203-3117

Ship To: 01

GREAT LAKES WINE AND SPIRITS,
WINE DISTRIBUTION CENTER
9900 VOLTE ST.
DETROIT, MI 48227

Customer P.O. 213604
P.O. Date 1/18/2022

Ship Date 1/24/2022
Carrier

Product Description	Ordered	Shipped	Gallons	Whse	Unit Price	Amount
Dolce 14 Lt Hrvst Dessert Wine DL1406 0.375 LITER	12	12	7.133	4785E	175.00	\$2,100.00
Far Niente 19 Napa Valley Cabernet CSN192W 0.75 LITER	14	14	33.286	4785E	740.00	\$10,360.00
Far Niente 20 Est Chardonnay CH0202B 0.75 LITER	12	12	28.531	4785E	399.00	\$4,788.00
N&N 19 Bear Track Cabernet CBT196W 0.75 LITER	5	5	5.944	4785E	332.00	\$1,660.00
N&N 19 Branding Iron Cabernet CBI196W 0.75 LITER	12	12	14.265	4785E	332.00	\$3,984.00
N&N 19 Sullenger Cabernet CJS196W 0.75 LITER	12	12	14.265	4785E	332.00	\$3,984.00
N&N 18 Suscol Merlot MSU186B 0.75 LITER	12	12	14.265	4785E	144.00	\$1,728.00

	Cases	Bottles	Liters	Gallons
14% Alcohol or Less	12	72	27	7.1326
Over 14 to 21%	67	558	418.5	110.5561
Invoice Totals:	79	630	445.5	117.6887

Please Print the Invoice Number on your Check

Terms: Net 45 Days**This invoice is payable on or before 03/10/22**

A service charge of 1.5% per month will be added as a time-price differential on amounts past dues.
Claims for shortage or damage should be made to the transportation company by the customer immediately
upon receipt of the goods. No allowance for breakage. Goods have been carefully checked and packed.
Shipment at risk of consignee. Merchandise returned without permission will not be accepted.

Subtotal:	\$28,604.00
Discount	
Tax:	
TOTAL:	\$28,604.00

JAN 25 2022

EXHIBIT-4



John R. Ashcroft

Missouri Secretary of State

MISSOURI ONLINE BUSINESS FILING

[MY ACCOUNT](#)
[HOME](#)
[SEARCH](#)
[MISC INFO](#)
[UCC FILING](#)
[Help](#)

Limited Liability Company Details as of 4/4/2024

Required Field *

File Documents - select the filing from the "Filing Type" drop-down list, then click FILE ONLINE.

File Registration Reports - click FILE REGISTRATION REPORT.

Copies or Certificates - click FILE COPIES/CERTIFICATES.

[RETURN TO
SEARCH RESULTS](#)

Create Filing

Amendment to Articles of Organization

[FILE
ONLINE](#)
[ORDER COPIES/
CERTIFICATES](#)

General Information

Filings

Principal Office Address

Contact(s)

Name(s) **Far Niente LLC**

Principal Office Address **3131 Rutger St
Saint Louis, MO 63104-1227**

Type **Limited Liability Company**

Charter No. **LC014370611**

Domesticity **Domestic**

Home State

Registered Agent **Dunigan , Aaron
3131 Rutger St
Saint Louis, MO 63104-1227**

Status **Active**

Date Formed **4/11/2022**

Duration **Perpetual**

The information contained on this page is provided as a public service, and may change at any time. The State, its employees, contractors, subcontractors or their employees do not make any warranty, expressed or implied, or assume any legal liability for the accuracy, completeness or usefulness of any information, apparatus, product or process disclosed or represent that its use would not infringe on privately-owned rights.

Hey there! I am an A.I.
chatbot, let's talk.



**State of Missouri****John R. Ashcroft, Secretary of State**

Corporations Division

PO Box 778 / 600 W. Main St., Rm. 322

Jefferson City, MO 65102

LC014370611**Date Filed: 4/11/2022****John R. Ashcroft****Missouri Secretary of State****Articles of Organization***(Submit with filing fee of \$105.00)*

1. The name of the limited liability company is

Far Niente LLC*(Must include "Limited Liability Company," "Limited Company," "LC," "L.C.," "L.L.C.," or "LLC")*

2. The purpose(s) for which the limited liability company is organized:

To further grow my wine business to the next level by having all of my business in order.

3. The name and address of the limited liability company's registered agent in Missouri is:

Aaron Dunigan3131 Rutger StSaint Louis, MO 63104-1227*Name**Street Address: May not use PO Box unless street address also provided**City/State/Zip*

4. The management of the limited liability company is vested in:
- ☐
- managers
- ☒
- members
- (check one)*

5. The events, if any, on which the limited liability company is to dissolve or the number of years the limited liability company is to continue, which may be any number or perpetual:
- Perpetual

(The answer to this question could cause possible tax consequences, you may wish to consult with your attorney or accountant)

6. The name(s) and street address(es) of each organizer
- (PO box may only be used in addition to a physical street address):*

*(Organizer(s) are not required to be member(s), manager(s) or owner(s))****Name******Address******City/State/Zip***Dunigan, Aaron3131 Rutger StSaint Louis MO 63104-1227

- 7.
- ☐
- Series LLC (OPTIONAL) Pursuant to Section 347.186, the limited liability company may establish a designated series in its operating agreement. The names of the series must include the full name of the limited liability company and are the following:

New Series:

☐ The limited liability company gives notice that the series has limited liability.

New Series:

☐ The limited liability company gives notice that the series has limited liability.

New Series:

☐ The limited liability company gives notice that the series has limited liability.*(Each separate series must also file an Attachment Form LLC 1A.)*

Name and address to return filed document:

Name: Aaron DuniganAddress: Email: farnientellc.21@gmail.com

City, State, and Zip Code: _____

8. Principal Office Address (OPTIONAL) of the limited liability company (PO Box may only be used in addition to a physical street address):

3131 Rutger St

Saint Louis, MO 63104-1227

Address (PO Box may only be used in conjunction with a physical street address)

City/State/Zip

9. The effective date of this document is the date it is filed by the Secretary of State of Missouri unless a future date is otherwise indicated: _____

(Date may not be more than 90 days after the filing date in this office)

In Affirmation thereof, the facts stated above are true and correct:

(The undersigned understands that false statements made in this filing are subject to the penalties provided under Section 575.040, RSMo)

All organizers must sign:

Aaron Dunigan

AARON DUNIGAN

04/11/2022

Organizer Signature

Printed Name

Date of Signature

STATE OF MISSOURI



John R. Ashcroft
Secretary of State

CERTIFICATE OF ORGANIZATION

WHEREAS,

Far Niente LLC
LC014370611

filed its Articles of Organization with this office on the 11th day of April, 2022, and that filing was found to conform to the Missouri Limited Liability Company Act.

NOW, THEREFORE, I, John R. Ashcroft, Secretary of State of the State of Missouri, do by virtue of the authority vested in me by law, do certify and declare that on the 11th day of April, 2022, the above entity is a Limited Liability Company, organized in this state and entitled to any rights granted to Limited Liability Companies.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri.
Done at the City of Jefferson, this 11th day of April, 2022.


Secretary of State

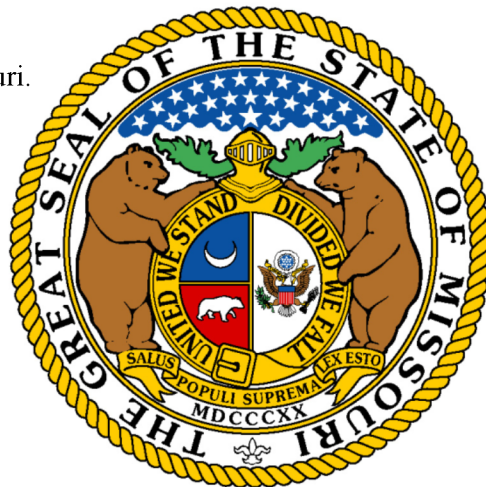


EXHIBIT-5

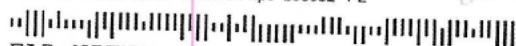
Statement of Account



6300 South Lindbergh
St. Louis MO 63123-7804
314-892-5400

www.neighborscu.org

38.1.11955 1 MB 0.482 36462D11.ps 293882 1-2



FAR NIENTE LLC

PO BOX 327

OAKVILLE CA 94562-0327

MEMBER NUMBER	STATEMENT ENDING DATE	BRANCH	PAGE
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04-30-22

8

1

Manage your funds at home or on the go when you download our simple and safe Mobile Banking App. Track your spending, pay on the spot and manage your accounts all from the convenience of your smart device. Visit NeighborsCU.org for more information.

DATE	TRANSACTION DESCRIPTION	AMOUNT	FINANCE CHARGE	BALANCE
Regular Savings ACCT# 1 04-12-22 THRU 04-30-22 PREVIOUS BALANCE 0.00				
APR12	NEW ACCOUNT	0.00		0.00
APR12	DEPOSIT	5.00		5.00
APR13	DEPOSIT	183,123.00		183,128.00
APR22	WITHDRAWAL	175,000.00-		8,128.00
APR22	CASHIER CHECK FEE	15.00-		8,113.00
APR25	WITHDRAWAL	503.50-		7,609.50
APR25	DEBIT CARD TRANSACTION FEE	2.50-		7,607.00
APR25	TRANSFER	7,586.00-		21.00
APR30	NEW BALANCE			21.00
		TOTAL FOR THIS PERIOD	TOTAL YEAR-TO-DATE	
TOTAL OVERDRAFT FEES		0.00	0.00	
TOTAL OVERDRAFT FEES WAIVED		0.00	0.00	
TOTAL RETURNED ITEM FEES		0.00	0.00	
TOTAL RETURNED ITEM FEES WAIVED		0.00	0.00	
Basic Business Checking ACCT# 2 04-12-22 THRU 04-30-22 PREVIOUS BALANCE 0.00				
APR12	NEW ACCOUNT	0.00		0.00
APR12	DEPOSIT	25.00		25.00
APR25	TRANSFER	7,586.00		7,611.00
APR25	CASH ADVANCE	5,202.95-		2,408.05
APR26	DEBIT CARD DEBIT	2,326.73-		81.32
APR25E	DEBIT CARD DEBIT	5.90-		75.42
APR30	NEW BALANCE			75.42
		TOTAL FOR THIS PERIOD	TOTAL YEAR-TO-DATE	
TOTAL OVERDRAFT FEES		0.00	0.00	
TOTAL OVERDRAFT FEES WAIVED		0.00	0.00	
TOTAL RETURNED ITEM FEES		0.00	0.00	
TOTAL RETURNED ITEM FEES WAIVED		0.00	0.00	

3010200

REPORTS TO CREDIT BUREAUS
We may report information about your account to credit bureaus. Late payments, missed payments, or other defaults on your account may be reflected in your credit report.



FAR NIENTE LLC
PO BOX 327
OAKVILLE CA 94562-0327

MEMBER NUMBER	STATEMENT ENDING DATE	BRANCH	PAGE
---------------	--------------------------	--------	------



04-30-22

8

2

Manage your funds at home or on the go when you download our simple and safe Mobile Banking App. Track your spending, pay on the spot and manage your accounts all from the convenience of your smart device. Visit NeighborsCU.org for more information.

DATE	TRANSACTION DESCRIPTION	AMOUNT	FINANCE CHARGE	BALANCE
------	-------------------------	--------	-------------------	---------

***** STATEMENT SUMMARY *****

ACCT	NEW BALANCE	DIVIDENDS YTD	TAX NAME	LOAN	NEW BALANCE
=====	=====	=====	=====	=====	=====
1	21.00	0.00	FAR NIENTE LLC		
2	75.42	0.00	FAR NIENTE LLC		
TOTAL DIVIDENDS YTD		0.00			

3020201



EXHIBIT-6

Comerica

Statement of Fraud

Section I -- Claimant Information		EFM Event Number		22052649832	
Name FAR NIENTE / FN Cellars LLC		Home Phone		Work Phone (707) 944-2861	
Address P.O. Box 327		City Oakville		State/Zip CA / 94562	
Primary I.D.		Secondary I.D.			
Section II -- Check Information					
Bank Check Was Drawn On COMERICA BANK	Issued By (Maker of Check) GREAT LAKES WINE & SPIRITS LLC	Check Number 167842	Check Date 03/04/22	Post Date 04/14/22	Amount of Item \$183,123.00
Payable to the Order of -- Name all Payees as they appear on check (e.g., <i>Marion Passer AND ABC Contractors, Inc.; Thomas Wellington, Jane Wellington OR Lisa Thomas</i>) FAR NIENTE					
Section III -- Claim					
Initial the appropriate box(s) to describe the claim(s) of forgery, alteration, or missing signature/endorsement					
To: Comerica and/or _____, the Depository Bank, if other than Comerica. By signing below, I declare that the information contained in this statement, including the information in the boxes I have initialed below are true.					
Initials	Claim				
<input type="radio"/>	Maker's Signature Forged and/or Counterfeit Check -- The maker's signature of _____ on the check is a forgery and/or the check is a counterfeit (e.g., <i>not the customer's legitimate check stock or produced without issuer's approval</i>). I did not sign the check and I did not authorize the signature.				
<input type="radio"/>	Unauthorized Maker's Signature -- The maker's signature of _____ on the check is not authorized. The person who issued and signed the instrument is not authorized to use the account.				
<input type="radio"/>	Endorsement Forged -- The endorsement of _____, a named payee on the check is a forgery. I did not authorize or write the endorsement.				
<input type="radio"/>	Missing Endorsement- Payee's Statement -- My endorsement on the check is missing and I did not authorize the negotiation of the check and did not benefit from the negotiation of the check. I declare I was entitled to receive \$ _____ as the payee of the check.				
<input type="radio"/>	Missing and/or Improper Endorsement and/or Not Endorsed as Drawn -- Maker's Statement -- The endorsement of payee(s) _____, was /were missing or was/were improper on the check and said payee(s) was/were entitled to receive \$ _____ (describe amount/percentage for each payee who claims to have not received payment and did not authorize negotiation. If maker does not know amount the payee(s) was/were entitled to receive indicate "unknown").				
<input type="radio"/>	Check Amount Altered -- The amount of the check as written was altered from the amount of \$ _____ to \$ _____. I did not alter the amount of the check nor did I authorize any alteration.				
<input type="radio"/>	Payee Named Was Altered -- The name of the payee(s) as written was altered on the check from _____ to make it payable to _____. I did not alter the payee's name nor did I authorize any alteration.				
<input checked="" type="radio"/>	Other -- IMPROPER ENDORSEMENT PAYEE STATEMENT				

I declare that:

I did not receive any benefit or value from proceeds of the above described check, and no proceeds from it were applied to any use or purpose on my behalf. I have not arranged with the person(s) who misused the check to be reimbursed or receive benefit from the proceeds of the above described check. I promise to testify or certify to the truth of all applicable information in this statement before any competent judge, officer of the court, or other person, in any case now pending or which may occur regarding this statement.

initials*

I suspect _____ of (address if known, home/ work)

Of having misused the check described in this statement, as I have stated above. I believe this person did this under the following circumstances: (Please provide as much information as possible)

initials*

Use additional page if necessary

I fully realize that Comerica or the bank that negotiated this check may cause the arrest of a person or persons (including the person(s) suspected above) for the fraud of identified above and I hereby acknowledge that any such arrests may be caused by Comerica or the bank where the check was negotiated or deposited, solely in reliance upon the representations of fact made herein, regardless of whether one or more persons arrested is a relative or friend of the claimant. In addition, I will indemnify and hold harmless Comerica and/or the bank where the check was negotiated or deposited from any liability arising out of, relating to or in any connection with such arrest in the event that the representations of fact made herein should prove to be untrue.

*I have provided and hereby read and confirmed the information regarding the suspects and I have placed my initials in the boxes above to indicate the information is true and accurate.

*The person signing/executing this statement agrees that the signature on the statement may be delivered by facsimile, pdf, e-mail or other electronic or reproduced signatures, which shall be deemed an original signature for all purposes and fully binding upon the person so signing the statement

Claimant Signature



Date

Jan 10, 2023

~~May 19, 2022~~

Print Name: Dana Vivier

Title CFO

If applicable, claimant is an agent of and completing this statement on behalf of (Print Name of Principal)

_____, and as such is authorized to speak on its behalf.

EXHIBIT-7



Account Number: [REDACTED]
 Capture Date: June 17, 2022
 Item Number: 5250115743284
 Posted Date: June 17, 2022
 Posted Item Number: 970007579
 Amount: 183,123.00
 Record Type: Debit
 RT Number: 072000096

GREAT LAKES WINE & SPIRITS LLC
 DISBURSEMENT ACCOUNT
 373 VICTOR ST
 HIGHLAND PARK MI 48203

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

COMERICA BANK
 DETROIT, MI

9-9/720

169383

GREAT LAKES WINE & SPIRITS, LLC.
 373 VICTOR AVE., HIGHLAND PARK, MI 48203

CHECK DATE: 5/20/2022

CONTROL NO

CHECK AMOUNT: 183,123.00

PAY One Hundred Eighty Three Thousand One Hundred Twenty Three Dollars And 00 Cents

TO THE ORDER OF FAR NIENTE
 PO BOX 327
 OAKVILLE CA 94562

GREAT LAKES WINE & SPIRITS, LLC.

VOID AFTER 120 DAYS

⑈ 169383 ⑈ ⑆ 072000096 ⑆ [REDACTED]

CoBank ACB [REDACTED]

Pay to CoBank, ACB
 FN Cellars LLC - Operating
 For Credit to Account [REDACTED]

EXHIBIT-8



OUTGOING COLLECTION LETTER

██████████@Comerica.com

Type: Without Entry
Claim: IMPROPER
ENDORSEMENT
Clerk: Marie Puma

OUR CUSTOMER: GREAT LAKES WINE &
SPIRITS LLC

Reference # 23012851566

1/25/2023

TO: Neighbors Credit Union
Attn Check Fraud Investigations
6300 So Lindbergh
Mehlville, MO 63123

MAIL
PAYMENT TO: COMERICA BANK
Attn: Return Without Entry
P.O. BOX 675403
DETROIT, MI 48267-5403

REMIT \$183,123.00

COMMENTS: IMPROPER ENDORSEMENT CLAIM FOR CHECK #167842